

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 04-03
)	
RUSSELL S. ODA and Oda/McCarthy)	
Architects, Limited,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around October 2003, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondent, Russell Oda of Oda/McCarthy Architects Limited ("Oda"). Business Registration Division records list Russell S. Oda as president of Oda, whose purpose is to provide architectural services. Oda's business address is 557 Manono Street, P.O. Box 4848, Hilo, Hawaii. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Oda and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondent and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or

corrective action taken by Respondent pursuant to section 11-216(g), HRS.

- III. That Respondent had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondent waives the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondent enters into this Agreement with the Commission on his own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 - 1. On or around October 2003, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Ben Cayetano campaign committee ("Cayetano") and the Arnold Morgado campaign committee ("Morgado"), initiated an investigation involving false name and excess contributions in violation of particular campaign finance statutes.
 - 2. Section 11-204(a)(1)(B), HRS reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year statewide office or to the candidate's committee in an aggregate amount greater than \$6,000 during an election period.

3. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
4. Section 11-204(h), HRS reads in part as follows:...an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
5. Section 11-202, HRS reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election in any name other than the true name of the person who owns the money or who supplies the money or property.
6. On February 2003, the Commission agreed to a Conciliation Agreement with Oda/McCarty and assessed a fine of \$3,000 for false name contributions to the candidate committees of Cayetano and Mazie Hirono.
7. Upon further investigation, the Commission finds that Oda through family members made contributions to Morgado and Cayaetano in the amount of \$23,000.

8. On or about October 1996, Akiko Sadamoto, sister of Oda, made a contribution to Morgado in the amount of \$1,000.
9. On or about May 1997, Akiko Sadamoto made a contribution to Cayetano in the amount of \$3,000.
10. On or about May 1997, Randall Ching, son-in-law of Oda made a contribution to Cayetano in the amount of \$2,000.
11. On or about June 1997, Hatsumi Arita, sister of Oda made a contribution to Cayetano in the amount of \$500.
12. On or about June 1997, Sonny Arita, brother-in-law of Oda made a contribution to Cayetano in the amount of \$500.
13. On or about December 1997, Hatsumi Arita made a contribution to Cayetano in the amount of \$5,000.
14. On or about December 1997, Akiko Sadamoto made a contribution to Cayetano in the amount of \$3,000.
15. On or about January 1998, Rosanne A. Oda-Ching, daughter of Oda made a contribution to Cayetano in the amount of \$4,000.
16. On or about January 1998, Randall Ching made a contribution to Cayetano in the amount of \$4,000.
17. That Oda failed to file an organizational report pursuant to section 11-194, HRS.
18. That Oda failed to file disclosure reports pursuant to section 11-212 and 11-213, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #04-03 Oda understands and agrees to the following:

- (A) Oda agrees to an assessment of **Eleven Thousand Five Hundred Dollars (\$11,500)** pursuant to section 11-228, HRS.
 - (1) For violation of section 11-202, HRS, making false name campaign contributions to the Morgado and Cayetano campaign committees; and
 - (2) For violation of section 11-204, HRS, making an excess campaign contribution to the Cayetano campaign committee.
- (B) Oda agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.
- (C) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.

- X. This Agreement constitutes the entire agreement between the Commission and Oda on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENT(S)

Russell S. Oda

By: _____

(Name)

(Title)

Date: _____